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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Timo Kinnunen

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BANK OF AMERICA PLAZA

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CHARLOTTE, NC 28280-4000

EXAMINER

HASHEM, LISA

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/742,190

Applicant(s)

KINNUNEN ET AL.

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-14 and 23-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-14, 23-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

FINAL DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 2, 5-14, and 23-29 in the Amendment filed on 7-25-2007 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 13, 14, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,119,014 by Alperovich et al, hereinafter Alperovich, in view of Welch.

Regarding claim 1, Alperovich discloses a messaging user interface of a communication device (i.e. a mobile station) (Fig. 4, 480) of a message sender (col. 1, lines 37-45), the interface being configured for:

selecting a component (i.e. priority, reminder message) for inclusion in a message (col. 5, lines 15-35; col. 6, lines 4-21),

selecting location conditions (i.e. coordinates) under which the message is enabled to be opened by a device (Fig. 4, 400) of a recipient (i.e. subscriber), the location conditions defining a location of the device of the recipient of the message, wherein the recipient and the message sender are different entities (col. 5, lines 27-49), and storing said component as a message together with a message header holding the location conditions (Fig. 4: 410, 415, 470, 420)

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under which the message is enabled to be opened by the device of the recipient in a memory of the device (col. 4, lines 7-20; col. 5, lines 36-49).

Alperovich discloses selecting location conditions defining a location of the device of the recipient of the message to enabling opening the message selected by the sender. However, Alperovich does not disclose storing the message in the communication device of the sender.

Welch discloses a messaging user interface (Fig. 1: 101, 102, 103, 104; col. 2, lines 43-48) of a communication device (i.e. a mobile user device) (Fig. 1) of a message sender (Fig. 1: 101, 102, 103, 104; col. 2, lines 43-48), the interface being configured for: selecting a component (i.e. sound, light, a to-do-list, information) for inclusion in a message (i.e. alert) (col. 1, lines 23-42; col. 3, lines 4-15 and lines 20-38), selecting location conditions (i.e. name of location, coordinates, range) (Fig. 2: 2525, 253, 254) under which the message is enabled to be opened by a device (i.e. PDA, wireless telephone, car phone) of a recipient (i.e. user) (col. 1, lines 23-42; col. 2, line 32 – col. 3, line 4; col. 3, lines 28-38), and storing said component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device (Fig. 1, 104; Fig. 2: 260, 261) (col. 2, line 66 – col. 3, line 26; col. 3, lines 28-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich to include storing the message in the communication device of the sender as taught by Welch. One of ordinary skill in the art would

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have been lead to make such a modification to keep a copy of the message in the sender's device to keep a reference of the content of the message that was sent.

Regarding claim 2, a user interface as claimed in claim 1, wherein Welch discloses in which the message header further contains information descriptive of content of the message (Fig. 2, 263; col. 2, line 66 – col. 3, line 26).

Regarding claim 13, a user interface as claimed claim 1 mentioned above, wherein Alperovich discloses including wireless network interface (col. 4, lines 7-51).

Regarding claim 14, a user interface as claimed in claim 1, wherein Alperovich discloses the device is a radio telephone (col. 1, lines 37-45; col. 4, lines 7-51).

Regarding claim 23, Alperovich discloses a method comprising:
selecting a component (i.e. priority, reminder message) for inclusion in a message (i.e. SMS) at a communications device (i.e. a mobile station) (Fig. 4, 480) (col. 1, lines 37-45; col. 5, lines 15-35; col. 6, lines 4-21);
selecting, at a device of a message sender, location conditions (i.e. coordinates) under which the message is enabled to be opened by a device (Fig. 4, 400) of a recipient (i.e. subscriber), the location conditions defining a location of the device of the recipient of the message, wherein the recipient and the message sender are different entities (col. 5, lines 27-49); and storing said component as a message together with a message header holding the location conditions (Fig. 4: 410, 415, 470, 420) under which the message is enabled to be opened by the device of the recipient in a memory of the device (col. 4, lines 7-20; col. 5, lines 36-49).

Alperovich discloses selecting location conditions defining a location of the device of the recipient of the message to enabling opening the message selected by the sender. However, Alperovich does not disclose storing the message in the communication device of the sender.

Welch discloses a method comprising:
selecting a component (i.e. sound, light, a to-do-list, information) for inclusion in a message (i.e. alert) at a communications device (i.e. a mobile user device) (Fig. 1) (col. 1, lines 23-42; col. 3, lines 4-15 and lines 20-38);
selecting location conditions (i.e. name of location, coordinates, range) (Fig. 2: 2525, 253, 254) under which the message is enabled to be opened by a device (i.e. PDA, wireless telephone, car phone) of a recipient (i.e. user) (col. 1, lines 23-42; col. 2, line 32 – col. 3, line 4; col. 3, lines 28-38); and
storing said component as a message together with a message header holding the location conditions under which the message is enabled to be opened by the device of the recipient in a memory of the communication device (Fig. 1, 104; Fig. 2: 260, 261) (col. 2, line 66 – col. 3, line 26; col. 3, lines 28-38).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Alperovich to include storing the message in the communication device of the sender as taught by Welch. One of ordinary skill in the art would have been lead to make such a modification to keep a copy of the message in the sender's device to keep a reference of the content of the message that was sent.

4. Claims 5-8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Welch, as applied to claim 1, and in further view Gerszberg.

Regarding claim 5, a user interface as claimed in claim 1 mentioned above, wherein Alperovich discloses the message includes a plurality of components (i.e. priority, reminder message) (col. 5, lines 15-35; col. 6, lines 4-21).

However, Alperovich in view of Welch do not disclose associated presentation files.

Gerszberg discloses a communication device (Fig. 5; Fig. 1: 10, 130; col. 3, lines 11-16) including a messaging user interface (Fig. 5),

the interface being configured for:

selecting a component (i.e. object) for inclusion in a message (col. 8, line 7 – col. 9, line 16; col. 11, lines 39-57),

selecting conditions (i.e. time and/or date) under which the message may be opened by a device of a recipient (i.e. caller) (col. 6, lines 42-57; col. 9, lines 17-30; col. 10, line 33 – col. 11, line 4) and

storing said component as a message together at least one of time and date conditions under which the message may be opened by the device of the recipient in the memory (i.e. local storage) of the communication device (Fig. 3B, 173; col. 6, lines 38-41; col. 8, lines 7-12; col. 11, lines 39-57).

Gerszberg further discloses the message includes a plurality of components and associated presentation files (col. 8, line 7 – col. 10, line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich in view of Welch to include associated presentation files as taught by Gerszberg. One of ordinary skill in the art would have been lead to make such a modification to provide a message to a recipient that includes more than one

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presentation file (i.e. a video greeting and image) to be presented to the recipient, wherein the presentation files can be gathered from a number of locations within and outside the communication device (i.e. CD ROM, digital video camera, network server platform).

Regarding claim 6, a user interface as claimed in claim 1 mentioned above, wherein Welch discloses in which at least one component is an audio file (col. 2, lines 25-29).

However, Alperovich in view of Welch do not disclose at least one component is a multimedia file.

Gerszberg discloses a communication device (Fig. 5; Fig. 1: 10, 130; col. 3, lines 11-16) including a messaging user interface (Fig. 5),

the interface being configured for:

selecting a component (i.e. object) for inclusion in a message (col. 8, line 7 – col. 9, line 16; col. 11, lines 39-57),

selecting conditions (i.e. time and/or date) under which the message may be opened by a device of a recipient (i.e. caller) (col. 6, lines 42-57; col. 9, lines 17-30; col. 10, line 33 – col. 11, line 4) and

storing said component as a message together at least one of time and date conditions under which the message may be opened by the device of the recipient in the memory (i.e. local storage) of the communication device (Fig. 3B, 173; col. 6, lines 38-41; col. 8, lines 7-12; col. 11, lines 39-57).

Gerszberg further discloses in which at least one component is a multimedia file (col. 8, line 7 – col. 10, line 5).

It would have been obvious to one of ordinary skill in the art at the time the invention

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was made to modify the user interface of Alperovich in view of Welch to include at least one component is a multimedia file as taught by Gerszberg. One of ordinary skill in the art would have been lead to make such a modification to provide a message to a recipient that includes a multimedia file (i.e. a video greeting and image) to be presented to the recipient, wherein the component includes audio, video, and/or text.

Regarding claim 7, a user interface as claimed in claim 1 mentioned above, wherein Welch discloses the device is configured for creating a presentation file (i.e. audio) associated with said component (col. 2, lines 25-29).

However, Alperovich in view of Welch do not disclose said file being stored with said message.

Gerszberg discloses a communication device (Fig. 5; Fig. 1: 10, 130; col. 3, lines 11-16) including a messaging user interface (Fig. 5),

the interface being configured for:

selecting a component (i.e. object) for inclusion in a message (col. 8, line 7 – col. 9, line 16; col. 11, lines 39-57),

selecting conditions (i.e. time and/or date) under which the message may be opened by a device of a recipient (i.e. caller) (col. 6, lines 42-57; col. 9, lines 17-30; col. 10, line 33 – col. 11, line 4) and

storing said component as a message together at least one of time and date conditions under which the message may be opened by the device of the recipient in the memory (i.e. local storage) of the communication device (Fig. 3B, 173; col. 6, lines 38-41; col. 8, lines 7-12; col. 11, lines 39-57).

Gerszberg further discloses the user interface is configured for creating a presentation file associated with said component, said file being stored with said message (col. 8, line 7 – col. 10, line 5; col. 11, lines 39-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich in view of Welch to include said file being stored with said message as taught by Gerszberg. One of ordinary skill in the art would have been lead to make such a modification to provide a message to a recipient that includes a presentation or multimedia file (i.e. a video greeting and image) to be presented to the recipient that is created, wherein the component includes audio, video, and/or text.

Regarding claim 8, a user interface as claimed in claim 7 mentioned above, wherein Gerszberg further discloses the presentation file contains parameters relating a size and position of a component comprising a video image (col. 8, lines 7-53).

Regarding claim 10, a user interface as claimed in claim 7 mentioned above, wherein Gerszberg further discloses the presentation file contains parameters relating to a color and font of a component inherently comprising a text string (col. 8, lines 7-53).

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Welch in further view of Gerszberg as applied to claim 7, and in further view of Jennings.

Regarding claim 9, a user interface as claimed in claim 7 mentioned above, wherein Welch discloses an audio recording (col. 2, lines 25-29).

Alperovich in view of Welch in further view of Gerszberg do not disclose the presentation file contains parameters relating to a volume of a component comprising an audio recording.

Jennings discloses a communication device (Fig. 1, 106) including a messaging user interface, the interface configured for selecting a component for inclusion in a message, selecting conditions under which the message may be opened by a device of a recipient (col. 1, lines 32-39; col. 2, lines 36-40; col. 4, lines 5-10; col. 4, line 53 – col. 5, line 14) and storing said component as a message together with a message header in a memory of the communication device (see Abstract; col. 2, line 65 – col. 3, line 36). Wherein Jennings further discloses the presentation file contains parameters relating to a volume of a component comprising an audio recording (col. 1, lines 11-30; col. 4, line 48 – col. 5, line 34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich in view of Welch in further view of Gerszberg to include the presentation file contains parameters relating to a volume of a component comprising an audio recording as taught by Jennings. One of ordinary skill in the art would have been lead to make such a modification to allow a sender to modify or adjust the volume of the audio recording before sending it to a recipient.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Welch as applied to claim 1, and in further view of Jennings.

Regarding claim 11, a user interface as claimed in claim 1 mentioned above, wherein Alperovich discloses the user interface is configured for formatting the message as a short text message (col. 4, lines 7-51; col. 5, lines 15-35).

However, Alperovich in view of Welch do not disclose the user interface is configured for formatting the message as an attachment to a short text message.

Jennings discloses a communication device (Fig. 1, 106) including a messaging user interface, the interface configured for selecting a component for inclusion in a message, selecting conditions under which the message may be opened by a device of a recipient (col. 1, lines 32-39; col. 2, lines 36-40; col. 4, lines 5-10; col. 4, line 53 – col. 5, line 14) and storing said component as a message together with a message header in a memory of the communication device (see Abstract; col. 2, line 65 – col. 3, line 36). Wherein Jennings further discloses means for formatting the message as an attachment to a short text message (see Abstract; col. 5, lines 35-55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich in view of Welch to include means for formatting the message as an attachment to a short text message as taught by Jennings. One of ordinary skill in the art would have been lead to make such a modification to allow a sender to attach the message to a short text message.

7. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Welch, as applied to claim 1, and in further view of Hashimoto.

Regarding claim 12, a user interface as claimed in claim 1 mentioned above, wherein Alperovich in view of Welch do not discloses the device is configured for formatting the message as an email.

Hashimoto discloses a communication device (i.e. PC; Fig. 1: 51a-51f; col. 4, lines 34-57) including a messaging user interface (Figs. 7-11), the interface being configured for:

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selecting a component for inclusion in a message (Fig. 11; col. 6, lines 3-53; col. 9, lines 16-60), selecting conditions (i.e. a device on which the message will be opened; pager; portable data terminal) under which the message is enabled to be opened (i.e. displayed) by a device of a recipient (col. 6, lines 12-18; col. 8, lines 35-46; col. 9, lines 37-44; Fig. 10), and storing said component as a message together with a message header holding the conditions under which the message is enabled to be opened by the device of the recipient (Fig. 12) in a memory of a database (Fig. 1, 16; col. 9, lines 37-44; col. 9, line 61 – col. 10, line 2).

Hashimoto further discloses the user interface is configured for formatting the message as an email (Fig. 13; col. 9, line 61 – col. 10, line 2; col. 10, lines 5-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the user interface of Alperovich in view of Welch to include the device is configured for formatting the message as an email as taught by Hashimoto. One of ordinary skill in the art would have been lead to make such a modification to provide a message to a recipient that is formatted as an email that includes a component that is presented to a recipient.

8. Claims 24, 25, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Welch, as applied to claim 23, and in further view of Gerszberg.

Regarding claims 24, 25, and 27, please see the rejections to the user interface in claims 7, 8, and 10 above, to reject the method in claims 24, 25, and 27.

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Welch in further view of Gerszberg as applied to claim 24, and in further view of Jennings.

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Regarding claim 26, please see the rejection to the user interface in claim 9 above, to reject the method in claim 26.

10. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Welch as applied to claim 23, and in further view of Jennings.

Regarding claim 28 please see the rejection to the user interface in claim 11 above, to reject the method in claim 28.

11. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich in view of Welch as applied to claim 23, and in further view of Hashimoto.

Regarding claim 29, please see the rejection to the user interface in claim 12 above, to reject the method in claim 29.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 Form.

14. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lh
September 17, 2007


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